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OFFICE OF PETITIONS

In re Application of :
Haruyuki Suzuki :
Application No. 10/618,722 :
Filed: July 15, 2003 :
Attorney Docket No. R2184.0090/P090-A :
DECISION DISMISSING PETITION
UNDER 37 CFR 1.313(a)

This is a decision on the petition under 37 CFR 1.313(a), filed November 10, 2005, requesting withdrawal of the above-identified application from issue.


The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance was mailed on August 12, 2005, with the issue fee being due on or before November 14, 2005. The petition states that the issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP 706.07(h)(IX).

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3218.

The matter is being referred to Technology Center AU 2655 for appropriate processing of the RCE filed November 10, 2005, and for consideration of the concurrently filed amendment and Information Disclosure Statement.


Frances Hicks
Petitions Examiner
Office of Petitions